

Serial No. 10/728,040

Atty Dkt No. 706499US2

REMARKS:

Applicant has carefully reviewed the Examiner's comments in the Office Action and has prepared the following response.

By this paper, claim 11 has been amended to clarify Applicant's invention, claim 16 has been amended to clarify that claim 16 depends from independent claim 11, and claims 19-20 have been added, leaving claims 1-20 pending in the application for consideration by the Examiner. No new matter has been introduced.

Claims 1-18 stand rejected under 35 USC § 103(a) as being unpatentable over MacLeod (U.S. Patent No. 5,794,966, hereinafter "MacLeod") in view of Eckert (U.S. Patent No. 4,655,440, hereinafter "Eckert") and Franzini (U.S. Patent No. 6,220,613, hereinafter "Franzini"). Applicants respectfully traverse this rejection and request reconsideration in view of the above amendments and following remarks.

With respect to claim 1, there is provided a "ride-height valve to set the suspension system in one of an on-road configuration and an off-road configuration." This feature is not taught in the prior art. Specifically, the Examiner admits that MacLeod fails to teach this limitation. However, the Examiner maintains that Franzini teaches a ride height valve. Contrary to the Examiner's assertion, Franzini teaches valves 612, 614, 616, and 618 and "an external source of fluid ... to provide for load leveling, which is desirable when the vehicle is loaded unevenly so as to shift the center of gravity." (Franzini, Col. 5, 1-8). Nowhere in Franzini, or any other reference cited by the Examiner is a ride-height valve disclosed that is provided to set the system in an on-road or off-road configuration. Claim 1 is therefore patentably distinguishable over the cited references, without conceding the correctness of their combination.

With respect to claim 11, this claim is likewise believed to be allowable for the same reasons as stated above with respect to claim 1, in that claim 11 calls for a "ride-height valve" not disclosed by the prior art.

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With respect to claim 19, there is provided a suspension control system that "opens the ride-height valve to ... raise the overall height of the vehicle." This limitation is not found in the cited art. Specifically, the Examiner admits that neither MacLeod or Eckert teach a ride height valve. However, the Examiner maintains that Franzini teaches a suspension control system fluidly connected to a hydraulic supply through a plurality of ride-height valves. The Examiner is respectfully requested to review Franzini, which teaches "solenoid-operated valves 612, 614, 616, and 618" and "an external source of fluid under pressure ... to provide for load leveling, which is desirable when the vehicle is loaded unevenly so as to shift the center of gravity." (Franzini, Col. 5, 1-9). Hence, Franzini fails to teach a suspension control system that "raise[s] the overall height of the vehicle." Claim 19 is therefore patentably distinguishable from the prior art and is believed to be in condition for allowance.

With respect to the remaining dependent claims 2-10, 12-18, and 20, without conceding the Examiner's position, these claims are believed to be allowable based on the dependency from claims 1, 11, and 19, respectively.

In view of the foregoing amendments and remarks, Applicant submits that the claims are patentable over the prior art and the application is in a condition for allowance. Applicant respectfully requests an early notice of allowance. The Examiner is cordially invited to telephone the undersigned for any reason which would help advance the instant application to allowance.

Respectfully submitted,



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